

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
8

9 Charles Edward Byrd,) No. CV 04-2701-PHX-NVW (ECV)
10 Plaintiff,)
11 vs.) **ORDER**
12 Maricopa County Sheriff's Office, et al.,)
13 Defendants.)
14 _____)
15

16 Pending before the court are Plaintiff's Motion for Status (Doc. #26), Motion
17 Demanding Judgment by Default (Doc. #27) and Motion for Summary Judgment (Doc.
18 #29)¹. Defendants Arpaio, Peterson and O'Connell have filed a Response to Motion
19 Demanding Judgment by Default (Doc. #30) and a Response to Plaintiff's Motion for
20 Summary Judgment (Doc. #32). Plaintiff has not filed a reply for any of his motions.

21 In each of Plaintiff's motions, he claims he is entitled to relief because Defendants
22 failed to file a timely answer to Plaintiff's amended complaint. Plaintiff is wrong. Under
23 Rule 12(a)(1)(B) of the Federal Rules of Civil Procedure, Defendants' answer was due within
24 60 days of the day the request for service was sent to each of them. As the court docket
25 reflects, a waiver was sent to each of the three defendants on February 15, 2006. See Doc.
26 _____

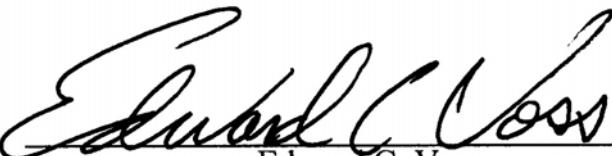
27 ¹ Although Plaintiff titles his third motion as a "Motion for Summary Judgment
28 Pursuant to Rule 56 of the Federal Rules of Civil Procedure," it is essentially a duplicate of
his motion for a default judgment.

1 #21 - #23. Accordingly, their answers were due on April 17, 2006. Defendants filed their
2 answer on the due date. See Doc. #28. Because Defendants' answer was timely, Plaintiff's
3 motions will be denied.

4 **IT IS THEREFORE ORDERED:**

5 Plaintiff's Motion for Status (Doc. #26), Motion Demanding Judgment by Default
6 (Doc. #27) and Motion for Summary Judgment (Doc. #29) are **denied**.

7 DATED this 22nd day of May, 2006.

8
9
10
11
12 
13 Edward C. Voss
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28